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The meeting was called to order at 3.10 p.m.

Agenda item 153: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (A/57/99 and Corr.1 and Add.1 and 2)

1. **Ms. Valdés-Núñez** (Cuba) said that respect for the principles and rules of international law concerning the protection, security and safety of diplomatic and consular missions and representatives was necessary for good relations among States and for achieving the principles of the Charter of the United Nations. She welcomed the fact that, since the fifty-fifth session of the General Assembly, 13 States had become parties to the main international legal instruments relative to the protection, security and safety of diplomatic and consular missions and representatives, to which her country was itself a party. Cuba had always met its obligations to ensure the protection, security and safety of diplomatic and consular missions and representatives. The Cuban authorities provided security services to the missions, protecting the premises in which official activities took place as well as the residences of diplomatic representatives. Pursuant to the Cuban Penal Code, acts, aggression and assaults committed against the honour and dignity of foreign diplomatic representatives constituted a severely punishable offence. Indeed, the most effective measures to guarantee respect for those principles were those that the States took domestically in order to fulfil their international obligations, particularly those specifically aimed at prohibiting in their territory the activities of persons, groups or organizations that encouraged, inspired, organized or committed acts against the security and safety of missions and their representatives.

2. She noted, however, with much concern, that violations of those principles and rules were still being committed, and that, in particular, acts of violence continued to be perpetrated against missions and their personnel, putting in jeopardy innocent lives, causing material damage and seriously violating the dignity of the victims. She again firmly condemned any breach of the physical or moral integrity of diplomatic missions and their personnel, and thus could only deplore the events that had occurred in the vicinity of the Cuban embassy in Venezuela, starting on the evening of 10 April 2002, when a coup d'état had occurred in that country. Demonstrators, among whom were far-right representatives of Cuban origin living in Venezuela, who maintained close ties with the Cuban American National Foundation, a terrorist organization based in Miami, had besieged the Cuban diplomatic mission for 72 hours. The demonstrators had shut off electricity and water supplies, burned the garden at the back of the Consulate by throwing Molotov cocktails, destroyed vehicles and security posts, and threatened to invade the premises of the diplomatic mission, where women and a child were staying. Those acts had been condemned in the letter dated 12 April 2002 addressed to the President of the Security Council by the Chargé d'affaires ad interim of the Cuban Permanent Mission to the United Nations (S/2002/416).

3. In conclusion, stressing the importance of a rapid entry into force of the 1975 Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, she noted that, up to that date, it had been ratified by 30 States but would not enter into force until it had gathered 35 ratifications or accessions. It would therefore be useful for the Sixth Committee to review that question within the framework of the debate on the agenda item being examined. It would also be worthwhile to give greater publicity domestically and internationally to the legal regime applicable to the protection, security and safety of diplomatic and consular missions and representatives.

4. **Mr. Kofod** (Denmark), speaking on behalf of the European Union, the European countries associated with the European Union (Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey), and Iceland, a member of the European Free Trade Association, deplored the many attacks, sometimes serious, that threatened the protection, security and safety of diplomatic and consular missions and representatives, as described in the Secretary-General's report on that topic (A/57/99 and Add.1 and 2).

5. Such violations of international law were contrary to the purpose of diplomatic and consular relations, which was to foster understanding, cooperation, peace and stability among countries. Instead, they were creating a climate of instability and insecurity, which disrupted the activities of the diplomatic and consular personnel and made the missions incapable of functioning, when they did not have more tragic consequences. Hence it was essential to guarantee the security and physical integrity of diplomatic and

consular personnel, which in turn guaranteed that channels of communication were maintained and that disagreements among States, no matter how acute, could be removed.

6. The protection of diplomatic and consular missions and representatives, which had been of concern to the General Assembly for 22 years, had not suddenly appeared in 1980 when the Nordic countries had put forward the first draft resolution on the question. It went farther back in time, to the rules which for centuries had contributed to the strengthening of peace and understanding among States. It must become universal and must be adhered to by all States. The European Union stood ready to render all assistance in that regard and urged the General Assembly to adopt a new resolution that would remind States that they must scrupulously live up to the rules and principles of international law governing diplomatic and consular relations.

7. Noting with satisfaction that, since the latest report of the Secretary-General, 13 States had become parties to the relevant international instruments, the European Union urged all States that had not done so to become parties to those instruments in order to ensure their universality; it also urged all countries, whether or not they were parties, to protect those who, in their behalf, worked for peace, security and stability.

8. **Mr. Koné** (Burkina Faso) thanked all delegations which, through their presence, emphasized their attachment to the protection, security and safety of diplomatic and consular missions and representatives. He recalled that, during the previous consideration of the question by the Sixth Committee, Burkina Faso had made it known that, between 1987 and 2000, no attack on the security of diplomatic or consular missions had occurred in its territory. Once more, in 2002, no diplomatic or consular mission or representative had been subject to threats or attacks in Burkina Faso. Indeed, the Government had always taken the necessary measures to guarantee the security and calm of the missions and their representatives, who moved freely throughout the national territory. Those measures had been strengthened after the attacks of 11 September 2001, while respecting citizens' freedom of movement. Standing by its policy of promoting peace and security, his Government would continue to take all necessary measures and invited all States to ensure that the structures of representation and the representatives themselves did not become the object of threats, confinement or violence.

9. **Mr. Medrek** (Morocco) welcomed the fact that the General Assembly regularly considered the agenda item, because the protection of diplomatic and consular missions and their representatives was a principle of international law universally recognized for centuries and confirmed in international legal instruments which defined the obligations of States in that regard. Such instruments included the 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

10. Morocco, which had always been a hospitable land, had taken the necessary measures to enable the members of diplomatic and consular missions to exercise their functions unhindered, while the protection of their premises was ensured on a permanent basis. The diplomatic and consular missions and representatives in Morocco had never been the object of serious attacks against their security and safety; when minor violations had been reported, they had been investigated thoroughly.

11. He expressed the hope that States would closely cooperate in order to ensure respect for the rules of international law and to strengthen the protection, security and safety of diplomatic and consular missions and representatives.

12. **Mr. Uykur** (Turkey) said his delegation associated itself with the statement made on behalf of the European Union. He recalled that many Turkish diplomats had been targets of terrorism — particularly after 1973 — and deplored the fact that, because of political expediencies, the perpetrators of those acts had been tolerated in certain countries which had reviewed their policy only after having been victims of similar acts. In some other cases, States had attributed those acts to organizations whose existence had never been confirmed until recently, which showed the importance of cooperation.

13. It was the obligation of States to take all measures to prohibit the illegal activities of persons, groups and organizations that encouraged, instigated, organized or perpetrated such acts. That obligation was in accordance with international legal instruments, such as the Vienna Conventions of 1961 and 1963,

which required the receiving State to take all appropriate steps to protect diplomatic and consular missions in order to enable their staff to exercise their functions freely, and the 1973 Convention, which made it an offence to commit acts against the representatives of States.

14. The protection provided by the receiving State to the missions and their representatives should correspond to the level of the threat posed by those who fomented terrorism. Moreover, the obligation of the receiving State to provide protection was not only a legal principle but also a moral one.

15. He welcomed the increase in the number of States parties to the relevant conventions, as indicated in the Secretary-General's report (A/57/99 and Add.1 and 2), as well as the increased number of reports submitted regarding violations committed against diplomats, which had been useful in calling the attention of States to those questions. That should motivate them to adopt and implement measures to prevent the recurrence of such incidents, and should show them whether such measures had led to the expected results. He invited the States parties to those conventions to adopt all the measures provided for and to comply with all the obligations laid down therein. He furthermore called upon States that had not yet done so to ratify those instruments, in particular the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. He urged them also to refrain from selective treatment and to combat all terrorist acts committed against diplomatic missions and their representatives, because they were all exposed to such acts. The success of their efforts depended on their determination and the effectiveness of international cooperation.

16. **Mr. Bugge-Mahrt** (Norway), speaking on behalf of his own country and the other Nordic countries (Denmark, Finland, Iceland and Sweden), welcomed the fact that the General Assembly had continued to consider the agenda item on a regular basis. The need to protect representatives of States had been recognized for many centuries in all cultures and all legal systems as the cornerstone of international cooperation. According to the principles and rules of international law, the receiving States were under the obligation to ensure such protection, which was a prerequisite for the normal conduct of relations among States, in order to protect the channels of communication among States — and not to protect individuals — and thereby to ensure the maintenance of international peace and security. For their part, the diplomatic and consular representatives had the duty to respect the laws and regulations of the receiving State.

17. The Nordic countries strongly condemned acts of violence against diplomatic and consular representatives, against representatives and officials of intergovernmental organizations, as well as against other innocent victims. Continued awareness and precautionary measures were still needed to enhance the security of diplomatic agents and the staff of those organizations, and in order to make possible the unhindered conduct of diplomatic and consular relations. Close cooperation was necessary between the sending and receiving States. The Nordic countries appealed to all States which had not yet done so to become parties to the international legal instruments in force. They underscored also the importance of the reports that highlighted violations of the security and safety of diplomatic and consular premises and personnel, and recalled in that regard that the guidelines for the preparation of those reports were laid out in the relevant General Assembly resolutions.

18. **Mr. Hoffmann** (South Africa) said he regretted the increase in violent acts committed against diplomatic and consular premises and staff, which South Africa condemned and was determined to combat in order to fulfil its obligations under international law. The responsibility of the receiving State should be proportionate to the means it possessed and could not substitute for that of the sending State, which should also take all necessary protection measures. Furthermore, in times of high criminality, the receiving State should take additional precautions. The obligation to provide protection was of the greatest importance, within the limit of what was possible and reasonable.

19. Lastly, South Africa supported the measures that were taken in accordance with international law so that there would be no abuses of diplomatic and consular privileges and immunities.

The meeting rose at 3.55 p.m.